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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/777655
Filing Date: February 13, 2004
Appellant(s): Young Jeon

Esther Chong (40,953)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 5, 2008 appealing from the Office action mailed June 5, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,430,629	Smyers	08-2002
6,988,276	Sitnik	01-2006
2002/0092017 A1	Klosterman	07-2002
6,826,512	Dara-Abrams	11-2004
6,838,978	Aizu	01-2005

(9) Grounds of Rejection

Claims 1, 3, 4-5, 9, 12, 15, 18-23, 25-26, and 28-29, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smyers, U.S. Patent US 6,430, 629 in view of Sitnik, U.S. Patent 6,988,276.

As per Claims 1, 9, and 15, Smyers in view of Sitnik discloses a home network system

[Abstract] [Figure 1] comprising:

at least one slave device (110-140) [Fig. 1]; and

a television receiver (e.g., home network monitor_10) [Fig. 1] operatively

connected to the *at least one* slave device, the master device comprising:

a microprocessor (CPU_20) [Fig. 1] operatively connected to the *at least*

one slave device for repeatedly sending a status request signal to the slave device and

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receiving one or more response signals from the *at least one* slave device [Abstract] [col 2, L9-12];

a memory coupled to the microprocessor (30 /40) [Figure 1] for constructing an operation history database (e.g. log of nodal operation state or state changes) [col 2, L47 – col 3, L7] by *cumulatively* storing operation status data (e.g. temperature readings, VCR program recordings) of the *at least one* slave device included in each response signal [col 1, L5-30] [col 2, L47 – col 3, L7], wherein the microprocessor extracts data from the operation history database when a history inquiry request is received from a user [col 3, L1-20]; and

a display unit (User Interface__160 w/ touchscreen; e.g., computer, PDA) coupled to the microprocessor for displaying the extracted operation history data [Figure 1],

wherein the operation status data includes data related to specific functions performed by the at least one slave device (e.g. temperature readings, VCR program recordings) [Abstract] [col 1, L5-30] [col 2, L47 – col 3, L7].

While Smyers discloses substantial features of the invention, as above, and in particular a master device (e.g., home network monitor__10) [Fig. 1] operatively connected to at least one slave device (110-140) [Fig. 1] in a home network system, he does not expressly disclose the recited feature of home network system wherein the master device is a “television receiver”. The feature is disclosed by Sitnik in a related endeavor.

Sitnik discloses as his invention a method and apparatus for providing peer-to-peer communications between televisions wherein a query request is sent from any of the televisions to any other of the television. The query request is for information identifying content currently watched on the queried television including samples of the currently watched content [Abstract]. Specifically, Sitnik expressly discloses the recited feature of home network system wherein the master device is a “television receiver” [col 1, L25-36]. Sitnik teaches that “manufacturers are currently retrofitting every type of home appliance, from toasters to heating and cooling systems, for connection to an *in-home network*. Most of the systems are designed with *master/slave operability* in mind. For instance, many systems are designed wherein a master controller, such as a television (TV) is provided with the capability to recognize and control a slave device, such as a video cassette recorder (VCR). In this model, the master sends command and control information to the slave and the slave complies with the commands and sends status information back to the master.

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Smyers’ invention with the recited feature of the home network system comprising a television receiver that is operatively connected to at least one slave device for sending status request signals and receiving one or more response signals from the at least one slave device, for the motivation of sharing information about viewed audio visual content, specifically, and enhancing the primary leisure function of a TV, in general [col 1, L5-9 & col 2, L5-7].

Claim 9 and 15 are also thus rejected using the same rationale discussed above for Claim 1 as the claims differ only by their statutory category.

As per Claim 3, Smyers discloses the home network system of claim 1, wherein the displayed operation history data includes a list of operations or events performed by *the* slave device during a predetermined period of time (e.g. monitoring of temperature readings every 30 minutes, monitoring of STB / VCR states performed every 5 minutes) [col 2, L23-47]

As per Claim 4, Smyers discloses the home network system of claim 1, wherein the history inquiry request received from the user *includes a user selection of a period of time*, and the displayed operation history data includes a list of operations or events performed by *each of the at least one slave device* during the selected period of time (e.g. monitoring of temperature readings by a temperature sensitive device every 30 minutes, monitoring of STB / VCR states performed every 5 minutes) [col 2, L23-47].

As per Claims 5, 19, and 20 Smyers discloses the home network system of claim 1, wherein the operation status data included in each response signal includes information indicating initiation or completion of an operation and a corresponding time of the initiation or completion [col 2, L48-55].

Claims 19, and 20 are also rejected using the same justification provided for Claim 5 as they cite the same claim limitations as Claim 5.

As per Claim 12, 22 and 23, Smyers discloses the television (TV) receiver of claim 9, wherein the history inquiry request received from the user includes *a user selection of at least one slave device*, and the displayed operation history data includes a list of operations or events performed *by each selected slave device* during a predetermined period of time (e.g. monitoring of temperature readings by a temperature sensitive device every 30 minutes, monitoring of STB / VCR states performed every 5 minutes) [col 2, L23-47].

As per Claim 18, Smyers discloses the method of claim 15, wherein the operation status data included in each response signal includes data indicating a current operation status of a slave device [Abstract] [col 1, L5-28].

As per Claim 21, Smyers discloses the method of claim 15, wherein the operation status data included in each response signal includes information indicating that there is *no operation in progress* [col 2, lines 47-65].

As per Claim 25, Smyers in view of Sitnik discloses the method of claim 15, wherein the user manually makes the history inquiry request by activating a corresponding function key provided within the television receiver.

While Smyers discloses substantial features of the invention, as above, and in particular a master device (e.g., home network monitor_10) [Fig. 1] operatively connected to at least one slave device (110-140) [Fig. 1] in a home network system, and the method wherein the user manually makes the history inquiry request by activating a corresponding function key provided within a master device [col 3, L8-20], he does not expressly disclose the recited feature of home network system wherein the master device is a “television receiver”. The feature is disclosed by Sitnik in a related endeavor.

Sitnik discloses as his invention a method and apparatus for providing peer-to-peer communications between televisions wherein a query request is sent from any of the televisions to any other of the television. The query request is for information identifying content currently watched on the queried television including samples of the currently watched content [Abstract]. Specifically, Sitnik expressly discloses the recited feature of home network system wherein the master device is a “television receiver” [col 1, L25-36]. Sitnik teaches that “manufacturers are currently retrofitting every type of home appliance, from toasters to heating and cooling systems, for connection to an *in-home network*. Most of the systems are designed with *master/slave operability* in mind. For instance, many systems are designed wherein a master controller, such as a

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television (TV) is provided with the capability to recognize and control a slave device, such as a video cassette recorder (VCR). In this model, the master sends command and control information to the slave and the slave complies with the commands and sends status information back to the master.

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Smyers' invention with the recited feature of the home network system comprising a television receiver that is operatively connected to at least one slave device for sending status request signals and receiving one or more response signals from the at least one slave device, for the motivation of sharing information about viewed audio visual content, specifically, and enhancing the primary leisure function of a TV, in general [col 1, L5-9 & col 2, L5-7].

As per Claim 26, Smyers discloses the method of claim 15, wherein sending one status request signals to the plurality of slave devices is performed repeatedly (e.g. monitoring of temperature readings by a temperature sensitive device every 30 minutes, monitoring of STB / VCR states performed every 5 minutes) [col 2, L23-47].

As per Claims 28, 29, and 31 Smyers in view of Sitnik discloses the home network system of claim 1, wherein the at least one slave device is configured to respond to the status request signal from the television receiver by sending to the television receiver the response signal that indicates that the at least one slave device is idle (VCR

‘recording’, ‘not recording’, recording completed’) [Abstract] [col 1, L5-28] [col 2, L48-55].

While Smyers discloses substantial features of the invention, as above, and in particular a master device (e.g., home network monitor_10) [Fig. 1] operatively connected to at least one slave device (110-140) [Fig. 1] in a home network system, and the the home network system wherein the at least one slave device is configured to respond to the status request signal from the master device by sending to the master device the response signal that indicates that the at least one slave device is idle (VCR ‘recording’, ‘not recording’, recording completed’) [Abstract] [col 1, L5-28] [col 2, L48-55], he does not expressly disclose the recited feature of home network system wherein the master device is a “television receiver”. The feature is disclosed by Sitnik in a related endeavor.

Sitnik discloses as his invention a method and apparatus for providing peer-to-peer communications between televisions wherein a query request is sent from any of the televisions to any other of the television. The query request is for information identifying content currently watched on the queried television including samples of the currently watched content [Abstract]. Specifically, Sitnik expressly discloses the recited feature of home network system wherein the master device is a “television receiver” [col 1, L25-36]. Sitnik teaches that “manufacturers are currently retrofitting every type of home appliance, from toasters to heating and cooling systems, for connection to an *in-home network*. Most of the systems are designed with *master/slave operability* in mind.

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For instance, many systems are designed wherein a *master controller*, such as a *television (TV)* is provided with the capability to recognize and control a *slave device*, such as a video cassette recorder (VCR). In this model, the master sends *command and control information* to the slave and the slave complies with the commands and sends *status information* back to the master.

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Smyers' invention with the recited feature of the home network system comprising a television receiver that is operatively connected to at least one slave device for sending status request signals and receiving one or more response signals from the at least one slave device, for the motivation of sharing information about viewed audio visual content, specifically, and enhancing the primary leisure function of a TV, in general [col 1, L5-9 & col 2, L5-7].

Claims 2, 11, 13, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smyers in view of Dara-Abrams et al (hereinafter Dara-Abrams), U.S. Patent 6826512.

As per Claims 2 and 16, Smyers in view of Dara-Abrams discloses the home network system of claim 1, wherein the microprocessor identifies the at least one slave device by checking *an identification (ID) of the at least one slave device*.

While Smyers discloses substantial features of the invention such as the home network system of claim 1 [Abstract], he does not expressly disclose the feature of the system wherein the microprocessor identifies the at least one slave device by checking *an identification (ID) of the at least one slave device*. The feature is disclosed by Dara-Abrams in a related endeavor.

Dara-Abrams discloses as his invention a method and apparatus for diagnosing consumer electronic devices (PCs, TVs, PVRs, STBs, DVRs, PDAs, game devices, etc.) [Abstract] [col 1, L14-22] [col 2, L35-36]. In one embodiment, when a problem with a consumer device owned by a user is identified, a diagnostic procedure is provided to control the diagnosis of the potentially faulty consumer electronic device by a testing consumer electronic device. In particular, Dara-Abrams discloses as part of his invention that upon receiving a request for a support service application, server_22 selects the requested service application from the database_24 using *device identifying information* (e.g. the vendor, model number and serial number of the device) included in the request [col 3, L46-50].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Smyer's invention with the feature of the system wherein the microprocessor identifies the at least one slave device by checking *an identification (ID) of the at least one slave device*, as disclosed by Dara-Abrams, for the motivation of providing a mechanism for diagnosing consumer electronic devices

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locally, thus eliminating a need to find a service center associated with the faulty device [col 1, L42-45].

As per Claims 11 and 17, Smyers in view of Dara-Abrams discloses the television (TV) receiver of claim 9, wherein the displayed operation history data includes a list of operations or events performed by one or more of the plurality of *slave devices* during a predetermined period of time.

While Smyers discloses substantial features of the invention such as the home network system of claim 1 [Abstract] and displaying operation history data (Log of nodal operational state changes), he does not expressly disclose the feature of the television (TV) receiver. The feature is disclosed by Dara-Abrams in a related endeavor.

Dara-Abrams discloses as his invention a method and apparatus for diagnosing consumer electronic devices (PCs, TVs, PVRs, STBs, DVRs, PDAs, game devices, etc.) [Abstract] [col 1, L14-22] [col 2, L35-36]. In one embodiment, when a problem with a consumer device owned by a user is identified, a diagnostic procedure is provided to control the diagnosis of the potentially faulty consumer electronic device by a testing consumer electronic device. In particular, Dara-Abrams discloses as part of his invention gateway device₁₄ (e.g., PC, laptop, PDA, etc.), which may be coupled to a display device₄₂, such as a television [col 3, L51-60].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Smyer's invention with the feature of the television (TV) receiver, as disclosed by Dara-Abrams, for the motivation of providing a mechanism for diagnosing consumer electronic devices locally, thus eliminating a need to find a service center associated with the faulty device [col 1, L42-45].

Claim 17 is also rejected using the same justification provided for Claim 11 as they cite the same claim limitations.

As per Claim 13, Smyers in view of Dara-Abrams discloses the television (TV) receiver of claim 9, wherein the history inquiry request received from the user includes *a user selection of a period of time*, and the displayed operation history data includes a list of operations or events performed *by each slave device* during the selected period of time.

While Smyers discloses substantial features of the invention such as the home network system of claim 1 [Abstract] and displaying operation history data (Log of nodal operational state changes), he does not expressly disclose the feature of the television (TV) receiver. The feature is disclosed by Dara-Abrams in a related endeavor.

Dara-Abrams discloses as his invention a method and apparatus for diagnosing consumer electronic devices (PCs, TVs, PVRs, STBs, DVRs, PDAs, game devices, etc.) [Abstract] [col 1, L14-22] [col 2, L35-36]. In one embodiment, when a problem with

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a consumer device owned by a user is identified, a diagnostic procedure is provided to control the diagnosis of the potentially faulty consumer electronic device by a testing consumer electronic device. In particular, Dara-Abrams discloses as part of his invention gateway device_14 (e.g., PC, laptop, PDA, etc.), which may be coupled to a display device_42, such as a television [col 3, L51-60].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Smyer's invention with the feature of the television (TV) receiver, as disclosed by Dara-Abrams, for the motivation of providing a mechanism for diagnosing consumer electronic devices locally, thus eliminating a need to find a service center associated with the faulty device [col 1, L42-45].

Claim 13 is also rejected using the citations and reasoning provided above for claim 12 as the limitation of the history inquiry request received from the user including *a user selection of at least one slave device*, and the displayed operation history data including a list of operations or events performed *by each selected slave device* during a predetermined period of time, is disclosed by Smyers (e.g. monitoring of temperature readings by a temperature sensitive device every 30 minutes, monitoring of STB / VCR states performed every 5 minutes) [col 2, L23-47]

Claims 7, 14, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smyers in view of Klosterman et al (hereinafter Klosterman), U.S. Patent Publication US 200/0092017A1.

As per Claim 7, Smyers in view of Klosterman discloses the home network system of claim 1, wherein the master device includes a capability to activate a message BLOCK function which prevents messages sent from the at least on slave device from being displayed, and

wherein the memory cumulatively stores the operation status data included in each response signal, regardless of whether a message BLOCK function of the television receiver is currently activated or not.

While Smyers discloses substantial features of the invention such as the home network system of claim 1 [Abstract] and displaying operation history data (Log of nodal operational state changes), he does not expressly disclose wherein the master device includes a capability to activate a message BLOCK function which prevents messages sent from the at least on slave device from being displayed, and wherein the memory *cumulatively* stores the operation status data included in each response signal, regardless of whether a message BLOCK function of the master device is currently activated or not.

This limitation is taught by Klosterman in his invention relating to television systems, and in particular, to the interception of television programming signals tuned by a television and the replacement or overlay of said tuned television programming signals with alternative video and/or audio programming and/or with graphics and/or text [0002]. In particular, Klosterman discloses an audio blocking bit (ABB) or video blocking bit (VBB) wherein a user may activate an electronic program guide. The EPG checks the VBB of the channel table entry of the channel currently tuned, and in one embodiment, if the VBB channel is set "on" then the EPG display is adjusted to completely cover the screen, and the show being viewed or displayed is completely blocked out [0061] [Figs. 2a-b, 3, 4a-b]. It is noted here by the Examiner that Klosterman's disclosures allows television programming signals to be received or stored in the receiver device while the display of the signal is blocked from view or replaced with alternative graphics and/or text.

It would therefore be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Smyers' invention, with the feature of a master device that includes a capability to activate a message BLOCK function which prevents messages sent from the at least one slave device from being displayed, and wherein the memory *cumulatively* stores the operation status data included in each response signal, regardless of whether a message BLOCK function of the master device is currently activated or not, as disclosed by Klosterman, for the motivation of blocking out

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undesired or unwanted television signal programs (i.e., commercials and advertisements) according to viewer preferences [0003-0006].

Claims 14 and 27 are also rejected using the same rationale for Claim 7 given that they are identical claims that differ only by statutory category.

Claims 8, 10, 24, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smyers in view of Aizu et al (hereinafter Aizu), U.S. Patent US 6,838,978.

As per Claims 8 and 10, Smyers in view of Aizu notes the home network system of claim 1, wherein the microprocessor and the at least one slave device are connected together through Power Line Communication (PLC) modems.

While Smyers discloses substantial features of the invention such as the home network system of claim 1 [Abstract] and displaying operation history data (Log of nodal operational state changes), he does not expressly disclose wherein the microprocessor and the at least one slave device are connected together through Power Line Communication (PLC) modems **1** (Aizu: Figure 1; Col 5, lines 38-42).

The limitation is taught by Aizu in his invention of a communication system (e.g. home network system) using an electric power line and particularly relates to data collecting technology on electric household appliances in electric power line communications (PLC) at home [Abstract] [col 1, lines 5-10] [col 1, lines 46-52]. In

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particular, Aizu discloses a microprocessor and a plurality of slave devices connected via a Power Line communication modem (i.e. Controller 1, which may be a PLC gateway for protocol conversion and for acquiring various kinds of appliance data *regularly* from appliances on the network [col 5, lines 38-42].

It would therefore be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Smyers' invention, with the feature of a home network system wherein the microprocessor and the at least one slave device are connected together through Power Line Communication (PLC) modems, as disclosed by Aizu, for the motivation of allowing a display terminal to acquire appliance data from each appliance regularly and complement the non-collected appliance data at the time of startup and regularly from the control device [col 2, lines 32-36].

Claim 10 is also rejected for the same reasons cited for Claim 8 given that they are identical claims that differ only by statutory category.

As per Claim 30, Smyers in view of Aizu discloses the method of claim 15, wherein the steps of sending the status request signals and receiving the response signals are performed using a PLC modem.

While Smyers discloses substantial features of the invention such as the home network system of claim 1 [Abstract] and displaying operation history data (Log of nodal operational state changes), he does not expressly wherein the steps of sending the

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status request signals and receiving the response signals are performed using a PLC modem.

The limitation is taught by Aizu in his invention of a communication system (e.g. home network system) using an electric power line and particularly relates to data collecting technology on electric household appliances in electric power line communications (PLC) at home [Abstract] [col 1, lines 5-10] [col 1, lines 46-52]. In particular, Aizu discloses a microprocessor and a plurality of slave devices connected via a Power Line communication modem (i.e. Controller 1, which may be a PLC gateway for protocol conversion and for acquiring various kinds of appliance data *regularly* from appliances on the network [col 5, lines 38-42].

It would therefore be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Smyers' invention, with the feature of wherein the steps of sending the status request signals and receiving the response signals are performed using a PLC modem, as disclosed by Aizu, for the motivation of allowing a display terminal to acquire appliance data from each appliance regularly and complement the non-collected appliance data at the time of startup and regularly from the control device [col 2, lines 32-36].

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smyers in view of Aizu and in further view of Sitnik.

As per Claim 24, Smyers in view of Aizu and in further view of Sitnik discloses the method of claim 15, wherein the user automatically makes the history inquiry request by turning the power of the television receiver on.

While Smyers discloses substantial features of the invention such as the home network system of claim 1 [Abstract] and displaying operation history data (Log of nodal operational state changes), he does not expressly disclose wherein the user automatically makes the history inquiry request by turning the power of a master device on.

The limitation is taught by Aizu in his invention of a communication system (e.g. home network system) using an electric power line and particularly relates to data collecting technology on electric household appliances in electric power line communications (PLC) at home [Abstract] [col 1, lines 5-10] [col 1, lines 46-52]. In particular, the user automatically makes the history inquiry request by turning the power of a master device on (Aizu: Col 19, lines 44-53).

It would therefore be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Smyers' invention, with the feature of the method wherein the user automatically makes the history inquiry request by turning the power of

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a masler device on, as disclosed by Aizu, for the motivation of allowing a display terminal to acquire appliance data from each appliance regularly and complement the non-collected appliance data at the time of startup and regularly from the control device [col 2, lines 32-36].

Further, with regards to the claim while the combination of Smyers and Aizu disclose the above feature of method wherein the user automatically makes the history inquiry request by turning the power of a master device on, the combination does not expressly disclose the method wherein the master device is a “television set. The feature is disclosed by Sitnik in a related endeavor.

Sitnik discloses as his invention a method and apparatus for providing peer-to-peer communications between televisions wherein a query request is sent from any of the televisions to any other of the television. The query request is for information identifying content currently watched on the queried television including samples of the currently watched content [Abstract]. Specifically, Sitnik expressly discloses the recited feature of home network system wherein the master device is a “television receiver” [col 1, L25-36]. Sitnik teaches that “manufacturers are currently retrofitting every type of home appliance, from toasters to heating and cooling systems, for connection to an *in-home network*. Most of the systems are designed with *master/slave operability* in mind. For instance, many systems are designed wherein a *master controller*, such as a *television (TV)* is provided with the capability to recognize and control a *slave device*, such as a video cassette recorder (VCR). In this model, the master sends *command*

and control information to the slave and the slave complies with the commands and sends status information back to the master.

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Smyers' invention with the recited feature of the home network system comprising a television receiver that is operatively connected to at least one slave device for sending status request signals and receiving one or more response signals from the at least one slave device, for the motivation of sharing information about viewed audio visual content, specifically, and enhancing the primary leisure function of a TV, in general [col 1, L5-9 & col 2, L5-7].

(10) Response to Argument

Claims 1, 3-5, 9, 12, 15, 18-23, 25-26, 28-29 and 31

With regards to the above claims, and claims 1, 9, and 15 in particular, Applicant firstly argues that there are significant differences between the claimed invention and the three references applied in the rejection, and that none of the prior art references (Smyers, Sitnik, Klosterman) discloses particular features of the invention as recited by the claims, and that these differences 'teach away' from making a proposed modification of Smyers on which the rejection is based. In this regard, Applicant argues that the rejection is thus based on impermissible hindsight and/or unwarranted speculation.

The Office respectfully disagrees and submits that Applicant has misinterpreted and/or not fully considered all the teachings and disclosures of the prior art reference(s). Further, the Office asserts that the above recited features of the claim are indeed taught and or disclosed by the combination of the references, contrary to Applicant's remarks, as will be shown in the following discussion.

In support of his argument, Applicant firstly describes as an example of the 'fundamental differences' between the claimed invention and the references the assertion that none of the references discloses features such as (1) a television receiver that includes the capability to activate a message block function which prevents messages sent from at least one slave device from being displayed, or (2) a memory that cumulatively stores the operation status of at least one slave device included in each slave device response signal even when the message block function of the TV receiver is currently activated, as recited by the claims.

In particular, Applicant comments that "Smyers has no disclosure of a TV set being used as a master controller, and additionally fails to disclose three features of the claimed invention: (1) "the recited feature of home network system wherein the mater device is a 'television receiver'," and (2) "wherein the master device includes a capability to activate a message BLOCK function which prevents messages sent from the at least on one slave device from being displayed" and (3) "wherein the memory cumulatively stores the operation status data included in each response signal, regardless of whether

a message BLOCK function of the master device is currently activated or not.” The Office respectfully disagrees.

Smyers discloses as his invention “a 1394 home network monitor for gathering information on the state of nodes (e.g., devices) within a IEEE 1394 home network, and storing the generated information. Some of these ‘devices’ autonomously change state over time, and such state changes may involve controlling other devices in the home network. An example of such a home network may include a central controller which turns on a Set Top Box (STB) and a VCR at a pre-programmed time in order to record a program [Abstract].

Additionally, Smyers discloses substantial recited features of the invention, such as the recited feature of the master device (e.g., home network monitor_10) [Fig. 1] operatively connected to at least one slave device (110-140) [Fig. 1] in a home network system (e.g., ‘Home Network System’) as recited by the claims. In this regard, Applicant argues that “Smyers has no disclosure of a TV set being used as a master controller”, but the argued additionally recited feature of the “home network system wherein the master device is a *television receiver*”) is resolved and expressly accounted for and/or disclosed by Sitnik in a related endeavor.

Sitnik discloses as his invention a method and apparatus for providing peer-to-peer communications between televisions wherein a query request is sent from any of

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the televisions to any other of the television. The query request is for information identifying content currently watched on the queried television including samples of the currently watched content [Abstract]. But as additionally taught by the reference, even while Sitnik focuses on the embodiment of a peer-to-peer communications to describe his invention, Sitnik's invention also "generally relates to a method and apparatus for "sharing audio visual content" and for "connecting two or more televisions together to share information about viewed audio visual content" [col 1, L5-9].

Further, with reference to Sitnik's teachings in the background for his invention (*Background of the Invention*), the Office notes with emphasis that Sitnik expressly teaches that as in most in-home networks,

"most of these systems are designed with a master / slave operability in mind. For instance, many systems are designed wherein a master controller, such as a Television (TV) is provided with the capability to recognize and control a slave device, such as a Video Cassette Recorder (VCR). In this model, the master sends 'command and control information' to the slave and the slave complies with the command and sends status information back to the master.

[Sitnik: col 1, L12-37]

In this regard, the Office strongly asserts and points out that not only does Sitnik expressly teach and disclose Applicant's argued feature of "home network system

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wherein the master device is a television receiver", as cited above, the said feature is also evidently "well-known in the art", as expressly taught and noted by Sitnik in the *Background of the Invention* for his patent.

Further, the Office strongly disagrees with Applicant's argument that Sitnik is not 'combinable' with Smyers because there are 'differences' between the references and that Sitnik teaches away, or that the combination is based on hindsight reasoning. In support of his argument, Applicant points out that Smyers is concerned with a master/slave network while Sitnik is primarily concerned with 'peer-to-peer' communications. In response to this argument, the Office remarks that while Sitnik 'focuses' on the embodiment of a peer-to-peer network communication to describe his invention, Sitnik nonetheless expressly acknowledges and teaches the 'well-known' feature of home network system wherein the master device is a television receiver", and by his invention provides an 'enhancement' to the primary leisure function of a TV (by adding information 'sharing' functionality), and also represents an 'improvement' to the prior-art sharing of audio visual information / content in a master / slave network. Both Smyers and Sitkins are primarily concerned with the "sharing of information" in the area of home network devices, whether it be in a master / slave configuration or, alternatively, in a peer-to-peer configuration.

Additionally, the Office also points out with emphasis that the argued feature of a home network system wherein the master device is a television, is 'well-known' in the

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art in view of Applicant's own Admitted Prior Art teachings. With reference to Paragraph [0004] of Applicant's Discussion of Related Art section of his application, Applicant expressly states:

"in general, a 'typical' home network system includes a master device and a plurality of slave devices. Many home appliances may be used as a master device, but some of the 'typical' master devices are television (TV) receiver, a personal computer (PC) and an Internet-ready refrigerator....[Application: 0004]

Accordingly, for at least the reasons provided above, it would be obvious and appropriate to one of ordinary skill in the art at the time of the invention to combine and/or modify Smyers' invention with the recited feature of the home network system comprising a television receiver that is operatively connected to at least one slave device for sending status request signals and receiving one or more response signals from the at least one slave device, for at least the motivation of sharing information about viewed audio visual content, specifically, and enhancing the primary leisure function of a TV, in general [col 1, L5-9 & col 2, L5-7].

Further, with regards to the claim, and specifically with regards to the argued feature of "wherein the master device includes a capability to activate a message BLOCK function which prevents messages sent from the at least one slave device from being displayed", the Office maintains that this feature is not only a 'well-known' feature

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in the art, it is also sufficiently disclosed by Klosterman in a related endeavor (TV viewing and/or control of television programming content, commercials, or other audio/video signals).

In response to Applicant's arguments regarding the above said feature, the Office firstly notes that the current language of the claim only requires "that a master device (such as the Home Network Monitor_10 of Smyers, or the Television Receiver of Sitnik) have the functionality or capability to activate a BLOCK function which prevents messages sent from the at least one slave device from being displayed". Since it has already been established that Sitnik expressly discloses the feature of a home network system wherein the master device is a television receiver", the only added requirement is a teaching or disclosure of a Television Receiver that includes with it a Blocking Function capability.

In response to the argument, the Office again points out with emphasis that the argued feature of a "master device including a capability to activate a Blocking Function to prevent display of signals sent by at least one slave device", is also 'well-known' in the art in particular view of Applicant's own Admitted Prior Art teachings. With reference to Paragraph [0005] of Applicant's Discussion of Related Art section of his application, Applicant expressly states

“In such *home network system*, when a slave device receives a status request signal from the master device, it always sends a response signal (e.g., message or event signal back to the master device. Therefore, when a large number of slave devices are connected to the network and are in operation, the master device may have problems in properly receiving and displaying all the message or event information sent by all the slave devices. Due to this reason, a user may be greatly disturbed when trying to use or operate the master device. One of the well-known functions for eliminating this overload problem is a BLOCK Function, which may be activated by the master device for not displaying (blocking) the message signals sent by the slave devices for a period of time. [Application Background of the Invention – Discussion of Related Art: 0005].

The feature is thus admittedly ‘well-known’ in the art and obvious to one of ordinary skill.

Nonetheless, any argued weaknesses of the Smyers and Sitnik prior art references are resolved or addressed by Klosterman, who also expressly teaches and discloses an exemplary embodiment of such a ‘feature’ (a TV with a BLOCK Function for preventing display of messages or signals received from another device). Klosterman discloses as his invention a method and system to substitute ‘alternative’ video and/or audio signals, and/or graphics, and/or text to be displayed according to the channel to which the viewer has tuned the television set [Abstract]. Specifically, Klosterman discloses audio blocking bit (ABB) or video blocking bit (VBB) wherein a

user may activate an electronic program guide. The EPG checks the VBB of the channel table entry of the channel currently tuned, and in one embodiment, if the VBB channel is set "on" then the EPG display is adjusted to completely cover the screen, and the show being viewed or displayed is completely *BLOCKed out* [0061] [Figs. 2a-b, 3, 4a-b]. In this regard, the Office notes that Klosterman's disclosures allows television programming signals to be received or stored in the receiver device while the 'display' of the signal is blocked from view or replaced with alternative graphics and/or text.

Applicant's above argued feature of a TV with a BLOCK Function is thus not only obvious or 'well-known' in the art, as admitted by Applicant himself, but is also expressly and disclosed by the Klosterman prior art reference, in particular.

With regards to dependent claims 3, 4, 11, 12, 17, 22 and 23, the dependent claims inherit all the features of their respective parent claims from which they depend, and the Office accordingly maintains its rejection of the claims for at least the same reasons provided above for independent claims 1, 9 and 15. In this regard, Applicant additionally argues that the dependent claims are patentable over the applied art because none of the applied art discloses or suggests that the displayed operation history includes a list of operation performed during a predetermined / user specified period of time, or that the operational status data includes information indicating an initiation or completion of one or more operations. However, the Office points out that Smyers expressly discloses and teaches the argued feature (e.g. History of Changes of

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the devices over a 'period of time' from a Central Log in the Home Network System) [col 1, L24-30] (i.e., confirmation from the Information Log gathered that VCR device 110 and STB 130. 'recorded' a movie selected by the user, for example) [col 2, L47-56]. The rejection of the claims is thus maintained accordingly.

With regards to dependent claims 24 and 25, the dependent claims inherit all the features of their respective parent claims from which they depend, and the Office accordingly maintains its rejection of the claims for at least the same reasons provided above for independent claims 1, 9 and 15. In this regard, Applicant additionally argues that the dependent claims are patentable over the applied art because none of the applied art discloses or suggests that the history inquiry request is made by turning on a TV receiver or pushing a function key located within the TV receiver. However, the Office remarks that the said argued feature is also obvious if not 'well-known' in the art, in particular view of Applicant's own Admitted Prior Art teachings. With reference to Paragraph [0004] of *Applicant's Discussion of Related Art* section of his application, Applicant expressly states

"...Many home appliances may be used as a master device, but some of the typical master devices are a Television (TV) receiver, a Personal Computer (PC) and an Internet-ready refrigerator, which can be connected to the Internet so that a user is able to remotely control operations and functions of the master device..." (presumably for controlling and/or turning the master device 'on' or 'off' and/or activating or configuring

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functions of the master device) [Application Background of the Invention – Discussion of Related Art: 0005].

Thus, by Applicant's own admission, the argued feature is 'well-known' in the art and therefore obvious to one of ordinary skill.

Nonetheless, Smyers also expressly teaches and discloses a 'user interface' that can be built into the master device (such as Home Monitor 10) itself for 'configuring' monitor functionality based on user's preferences or other criteria (for example, instructing the monitor 10 to monitor the 'states' of VCR 110 and STB 130 every five minutes..). Applicant's above argued feature is thus not only obvious or 'well-known' in the art, as admitted by Applicant himself, but is also expressly and particularly disclosed by Smyers.

Claims 2, 11, 13, 16 and 17

With regards to the above claims, Applicant argues that the claims are patentable for at least the same reasons argued above for independent claims 1, 9 or 15 from which they depend. However, since it has been established previously that Smyer, Sitnik, and/or Klosterman expressly discloses all of Applicant's argued features for independent claims 1, 9 or 15, the rejection of the above said dependent claims are also thus maintained accordingly.

Applicant additionally argues that the Dara-Abrams prior art reference cannot be combined to modify the Smyers Sitnik, and Klosterman combination since it has little to do with a master-slave operation. In this regard, Applicant is respectfully reminded that In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, and as discussed previously, for at least the reasons provided above for claims 1, 9 and 15, it would be obvious and appropriate to one of ordinary skill in the art at the time of the invention to combine and/or modify Smyers' invention with the recited feature of the home network system comprising a television receiver that is operatively connected to at least one slave device for sending status request signals and receiving one or more response signals from the at least one slave device, for at least the motivation of sharing information about viewed audio visual content, specifically, and enhancing the primary leisure function of a TV, in general [col 1, L5-9 & col 2, L5-7]

Claims 8, 10, 24, and 30

With regards to the above claims, Applicant argues that the claims are patentable for at least the same reasons argued above for independent claims 1, 9 or 15 from which they depend. However, since it has been established previously that Smyer, Sitnik, and/or Klosterman expressly discloses all of Applicant's argued features for independent claims 1, 9 or 15, the rejection of the above said dependent claims are also thus maintained accordingly.

Based on the above rebuttal of Applicant's arguments, the Office strongly asserts that Applicant's argued claim features are expressly disclosed by the Smyers, Sitkin , and/or Klosterman, et al, and the Office thus maintains its rejection of the argued claims in view of the above said prior art(s) and their teachings.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiners answer

(12) Conclusion

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Glenford Madamba
April 16, 2008

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